IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2869 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

K G MAKHIJA

Versus

MANAGING DIRECTOR

Appearance:

1. Special Civil Application No. 2869 of 1992

MR GM JOSHI for Petitioner No. 1

MR MJ THAKORE for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/09/2004

ORAL JUDGEMENT

1.0. The petitioner by way of this petition has challenged the legality and validity of the transferred order whereby, the respondents vide order dated 10th

April, 1992 at annexure-L to the petition, have reverted the petitioner from the post of Personal Secretary to Chairman-cum-Managing Director to the post of Personal Secretary to General Manager (O&R).

2.0. I have heard the learned advocate for the respective parties and have perused the relevant documents. From the record it appears that while admitting this petition this Court [Coram : B.C. Patel, J.] on 13th July, 1992 had passed the following order :-

"RULE. Mr. M.J. Thakore learned advocate waives service of rule on behalf of respondents.

Interim relief refused. Mr. Padival learned advocate states that petitioner is discharging his services as P.S. to General Manager (O&R) after passing the impugned order. This status-quo to continue for a period of two weeks from today. Matter to be listed for final hearing on 27.7.92."

2.1. Thus, from the aforesaid order, it is clear that no stay was granted in favour of the petitioner. Learned counsel has produced a letter letter dated 24th April, 2000, from which it is clear that the petitioner has opted for voluntary retirement from the services of the respondents, pursuant to the Voluntary Retirement Scheme introduced by the Corporation and the same has been accepted by the Corporation with effect from 7th April, 2000. The said letter is ordered to be taken on the record.

3.0. In that view of the matter, nothing survives in this matter. Hence, the petition is dismissed as having become infructuous. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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